

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 299

AND

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 616

AN ACT

To repeal sections 311.070, 311.174, 311.178, 311.180, 311.190, 311.240, 311.275, 311.420, and 311.462, RSMo, and to enact in lieu thereof fourteen new sections relating to liquor control, with penalty provisions.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 311.070, 311.174, 311.178, 311.180,  
2           311.190, 311.240, 311.275, 311.420, and 311.462, RSMo, are  
3           repealed and fourteen new sections enacted in lieu thereof, to be  
4           known as sections 311.015, 311.070, 311.071, 311.174, 311.178,  
5           311.180, 311.185, 311.190, 311.240, 311.275, 311.297, 311.420,  
6           311.462, and 311.685, to read as follows:

7           311.015. Alcohol is, by law, an age-restricted product that

1 is regulated differently than other products. The provisions of  
2 this chapter establish vital state regulation of the sale and  
3 distribution of alcohol beverages in order to promote responsible  
4 consumption, combat illegal underage drinking, and achieve other  
5 important state policy goals such as maintaining an orderly  
6 marketplace composed of state-licensed alcohol producers,  
7 importers, distributors, and retailers.

8       311.070. 1. Distillers, wholesalers, winemakers, brewers  
9 or their employees, officers or agents shall not, except as  
10 provided in this section, directly or indirectly, have any  
11 financial interest in the retail business for sale of  
12 intoxicating liquors, and shall not, except as provided in this  
13 section, directly or indirectly, loan, give away or furnish  
14 equipment, money, credit or property of any kind, except ordinary  
15 commercial credit for liquors sold to such retail dealers.  
16 However, notwithstanding any other provision of this chapter to  
17 the contrary, for the purpose of the promotion of tourism, a  
18 distiller whose manufacturing establishment is located within  
19 this state may apply for and the supervisor of liquor control may  
20 issue a license to sell intoxicating liquor, as in this chapter  
21 defined, by the drink at retail for consumption on the premises  
22 where sold; and provided further that the premises so licensed  
23 shall be in close proximity to the distillery and may remain open  
24 between the hours of 6:00 a.m. and midnight, Monday through  
25 Saturday and between the hours of 11:00 a.m. and 9:00 p.m.,  
26 Sunday. The authority for the collection of fees by cities and  
27 counties as provided in section 311.220, and all other laws and  
28 regulations relating to the sale of liquor by the drink for

1 consumption on the premises where sold, shall apply to the holder  
2 of a license issued under the provisions of this section in the  
3 same manner as they apply to establishments licensed under the  
4 provisions of section 311.085, 311.090, or 311.095.

5 2. Any distiller, wholesaler, winemaker or brewer who shall  
6 violate the provisions of subsection 1 of this section, or permit  
7 his employees, officers or agents to do so, shall be guilty of a  
8 misdemeanor, and upon conviction thereof shall be punished as  
9 follows:

10 (1) For the first offense, by a fine of one thousand  
11 dollars;

12 (2) For a second offense, by a fine of five thousand  
13 dollars; and

14 (3) For a third or subsequent offense, by a fine of ten  
15 thousand dollars or the license of such person shall be revoked.

16 3. As used in this section, the following terms mean:

17 (1) "Consumer advertising specialties", advertising items  
18 that are designed to be carried away by the consumer, such items  
19 include, but are not limited to: trading stamps, nonalcoholic  
20 mixers, pouring racks, ash trays, bottle or can openers, cork  
21 screws, shopping bags, matches, printed recipes, pamphlets,  
22 cards, leaflets, blotters, postcards, pencils, shirts, caps and  
23 visors;

24 (2) "Equipment and supplies", glassware (or similar  
25 containers made of other material), dispensing accessories,  
26 carbon dioxide (and other gasses used in dispensing equipment) or  
27 ice. "Dispensing accessories" include standards, faucets, cold  
28 plates, rods, vents, taps, tap standards, hoses, washers,

couplings, gas gauges, vent tongues, shanks, and check valves;

(3) "Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall only include[, but are not limited to: posters, placards, designs,] inside signs (electric, mechanical or otherwise), [window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars and alcoholic beverage lists or menus] mirrors, and sweepstakes/contest prizes displayed on the licensed premises;

(4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

(6) "Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters, cups, or menus.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter or chapter 312, RSMo:

1           (1) The distiller, wholesaler, winemaker or brewer may give  
2 or sell product displays to a retail business if all of the  
3 following requirements are met:

4           (a) The total value of all product displays given or sold  
5 to a retail business shall not exceed three hundred dollars per  
6 brand at any one time in any one retail outlet. There shall be  
7 no combining or pooling of the three hundred dollar limits to  
8 provide a retail business a product display in excess of three  
9 hundred dollars per brand. The value of a product display is the  
10 actual cost to the distiller, wholesaler, winemaker or brewer who  
11 initially purchased such product display. Transportation and  
12 installation costs shall be excluded;

13           (b) All product displays shall bear in a conspicuous manner  
14 substantial advertising matter on the product or the name of the  
15 distiller, wholesaler, winemaker or brewer. The name and address  
16 of the retail business may appear on the product displays; and

17           (c) The giving or selling of product displays may be  
18 conditioned on the purchase of intoxicating beverages advertised  
19 on the displays by the retail business in a quantity necessary  
20 for the initial completion of the product display. No other  
21 condition shall be imposed by the distiller, wholesaler,  
22 winemaker or brewer on the retail business in order for such  
23 retail business to obtain the product display;

24           (2) Notwithstanding any provision of law to the contrary,  
25 the distiller, wholesaler, winemaker or brewer may provide, give  
26 or sell any permanent point-of-sale advertising materials,  
27 temporary point-of-sale advertising materials, and consumer  
28 advertising specialties to a retail business if all the following

requirements are met:

(a) The total value of all permanent point-of-sale advertising materials [and consumer advertising specialties given or sold] provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale advertising materials [and consumer advertising specialties] is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of three years;

(b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

(c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

[(c)] (d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail

1 business for using or distributing the permanent point-of-sale  
2 advertising materials, temporary point-of-sale advertising  
3 materials, or consumer advertising specialties or for any  
4 incidental expenses arising from their use or distribution;

5 (3) A [malt beverage wholesaler or brewer] distiller,  
6 wholesaler, winemaker, or brewer may give a gift not to exceed a  
7 value of one thousand dollars per year[, or sell something of  
8 value] to a holder of a temporary permit as defined in section  
9 311.482;

10 (4) The distiller, wholesaler, winemaker or brewer may sell  
11 equipment or supplies to a retail business if all the following  
12 requirements are met:

13 (a) The equipment and supplies shall be sold at a price not  
14 less than the cost to the distiller, wholesaler, winemaker or  
15 brewer who initially purchased such equipment and supplies; and

16 (b) The price charged for the equipment and supplies shall  
17 be collected in accordance with credit regulations as established  
18 in the code of state regulations;

19 (5) The distiller, wholesaler, winemaker or brewer may  
20 install dispensing accessories at the retail business  
21 establishment, which shall include for the purposes of  
22 intoxicating and nonintoxicating beer equipment to properly  
23 preserve and serve draught beer only and to facilitate the  
24 delivery to the retailer the brewers and wholesalers may lend,  
25 give, rent or sell and they may install or repair any of the  
26 following items or render to retail licensees any of the  
27 following services: beer coils and coil cleaning, sleeves and  
28 wrappings, box couplings and draft arms, beer faucets and tap

1 markers, beer and air hose, taps, vents and washers, gauges and  
2 regulators, beer and air distributors, beer line insulation, coil  
3 flush hose, couplings and bucket pumps; portable coil boxes, air  
4 pumps, blankets or other coverings for temporary wrappings of  
5 barrels, coil box overflow pipes, tilting platforms, bumper  
6 boards, skids, cellar ladders and ramps, angle irons, ice box  
7 grates, floor runways; and damage caused by any beer delivery  
8 excluding normal wear and tear and a complete record of equipment  
9 furnished and installed and repairs and service made or rendered  
10 must be kept by the brewer or wholesalers furnishing, making or  
11 rendering same for a period of not less than one year;

12 (6) The distiller, wholesaler, winemaker or brewer may  
13 furnish, give or sell coil cleaning service to a retailer of  
14 distilled spirits, wine or malt beverages;

15 (7) A wholesaler of intoxicating liquor may furnish or give  
16 and a retailer may accept a sample of distilled spirits or wine  
17 as long as the retailer has not previously purchased the brand  
18 from that wholesaler, if all the following requirements are met:

19 (a) The wholesaler may furnish or give not more than seven  
20 hundred fifty milliliters of any brand of distilled spirits and  
21 not more than seven hundred fifty milliliters of any brand of  
22 wine; if a particular product is not available in a size within  
23 the quantity limitations of this subsection, a wholesaler may  
24 furnish or give to a retailer the next larger size;

25 (b) The wholesaler shall keep a record of the name of the  
26 retailer and the quantity of each brand furnished or given to  
27 such retailer;

28 (c) For the purposes of this subsection, no samples of



1     intoxicating liquor provided to retailers shall be consumed on  
2     the premises nor shall any sample of intoxicating liquor be  
3     opened on the premises of the retailer except as provided by the  
4     retail license;

5           (d)   For the purpose of this subsection, the word "brand"  
6     refers to differences in brand name of product or differences in  
7     nature of product; examples of different brands would be products  
8     having a difference in: brand name; class, type or kind  
9     designation; appellation of origin (wine); viticulture area  
10    (wine); vintage date (wine); age (distilled spirits); or proof  
11    (distilled spirits); differences in packaging such a different  
12    style, type, size of container, or differences in color or design  
13    of a label are not considered different brands;

14          (8)   The distiller, wholesaler, winemaker or brewer may  
15    package and distribute intoxicating beverages in combination with  
16    other nonalcoholic items as originally packaged by the supplier  
17    for sale ultimately to consumers; notwithstanding any provision  
18    of law to the contrary, for the purpose of this subsection,  
19    intoxicating liquor and wine wholesalers are not required to  
20    charge for nonalcoholic items any more than the actual cost of  
21    purchasing such nonalcoholic items from the supplier;

22          (9)   The distiller, wholesaler, winemaker or brewer may sell  
23    or give the retail business newspaper cuts, mats or engraved  
24    blocks for use in the advertisements of the retail business;

25          (10)   The distiller, wholesaler, winemaker or brewer may in  
26    an advertisement list the names and addresses of two or more  
27    unaffiliated retail businesses selling its product if all of the  
28    following requirements are met:

1 (a) The advertisement shall not contain the retail price of  
2 the product;

3 (b) The listing of the retail businesses shall be the only  
4 reference to such retail businesses in the advertisement;

5 (c) The listing of the retail businesses shall be  
6 relatively inconspicuous in relation to the advertisement as a  
7 whole; and

8 (d) The advertisement shall not refer only to one retail  
9 business or only to a retail business controlled directly or  
10 indirectly by the same retail business;

11 (11) [Notwithstanding any other provision of law to the  
12 contrary,] Distillers, winemakers, wholesalers, brewers or  
13 retailers may conduct a local or national sweepstakes/contest  
14 upon a licensed retail premise. [However,] The  
15 sweepstakes/contest prize dollar amount shall not be limited and  
16 can be displayed in a photo, banner, or other temporary point-of-  
17 sale advertising materials on a licensed premises, if the  
18 following requirements are met:

19 (a) No money or something of value [may be] is given to the  
20 retailer for the privilege or opportunity of conducting the  
21 sweepstakes or contest; and

22 (b) The actual sweepstakes/contest prize is not displayed  
23 on the licensed premises if the prize value exceeds the permanent  
24 point-of-sale advertising materials dollar limit provided in this  
25 section;

26 (12) The distiller, wholesaler, winemaker or brewer may  
27 stock, rotate, rearrange or reset the products sold by such  
28 distiller, wholesaler, winemaker or brewer at the establishment

1 of the retail business so long as the products of any other  
2 distiller, wholesaler, winemaker or brewer are not altered or  
3 disturbed;

4 (13) The distiller, wholesaler, winemaker or brewer may  
5 provide a recommended shelf plan or shelf schematic for distilled  
6 spirits, wine or malt beverages;

7 (14) The distiller, wholesaler, winemaker or brewer  
8 participating in the activities of a retail business association  
9 may do any of the following:

10 (a) Display, serve, or donate its products at or to a  
11 convention or trade show;

12 (b) Rent display booth space if the rental fee is the same  
13 paid by all others renting similar space at the association  
14 activity;

15 (c) Provide its own hospitality which is independent from  
16 the association activity;

17 (d) Purchase tickets to functions and pay registration or  
18 sponsorship fees if such purchase or payment is the same as that  
19 paid by all attendees, participants or exhibitors at the  
20 association activity; [and]

21 (e) Make payments for advertisements in programs or  
22 brochures issued by retail business associations [at a convention  
23 or trade show] if the total payments made for all such  
24 advertisements [do not exceed three hundred dollars per year for  
25 any retail business association] are fair and reasonable;

26 (f) Pay dues to the retail business association if such  
27 dues or payments are fair and reasonable;

28 (g) Make payments or donations for retail employee training

1 on preventive sales to minors and intoxicated persons, checking  
2 identifications, age verification devices, and the liquor control  
3 laws;

4 (h) Make contributions not to exceed one thousand dollars  
5 per calendar year for transportation services that shall be used  
6 to assist patrons from retail establishments to his or her  
7 residence or overnight accommodations;

8 (i) Donate or serve up to five hundred dollars per event of  
9 alcoholic products at retail business association activities; and

10 (j) Any retail business association that receives payments  
11 or donations shall, upon written request, provide the division of  
12 alcohol and tobacco control with copies of relevant financial  
13 records and documents to ensure compliance with this subsection;

14 (15) [The distiller, wholesaler, winemaker or brewer may  
15 sell its other merchandise which does not consist of intoxicating  
16 beverages to a retail business if the following requirements are  
17 met:

18 (a) The distiller, wholesaler, winemaker or brewer shall  
19 also be in business as a bona fide producer or vendor of such  
20 merchandise;

21 (b) The merchandise shall be sold at its fair market value;

22 (c) The merchandise is not sold in combination with  
23 distilled spirits, wines or malt beverages except as provided in  
24 this section;

25 (d) The acquisition or production costs of the merchandise  
26 shall appear on the purchase invoices or records of the  
27 distiller, wholesaler, winemaker or brewer; and

28 (e) The individual selling prices of merchandise and

1 intoxicating beverages sold to a retail business in a single  
2 transaction shall be determined by commercial documents covering  
3 the sales transaction;

4 (16)] The distiller, wholesaler, winemaker or brewer may  
5 sell or give [an] a permanent outside sign to a retail business  
6 if the following requirements are met:

7 (a) The sign, which shall be constructed of metal, glass,  
8 wood, plastic, or other durable, rigid material, with or without  
9 illumination, or painted or otherwise printed onto a rigid  
10 material or structure, shall bear in a conspicuous manner  
11 substantial advertising matter about the product or the name of  
12 the distiller, wholesaler, winemaker or brewer;

13 (b) The retail business shall not be compensated, directly  
14 or indirectly, for displaying the permanent sign or a temporary  
15 banner; [and]

16 (c) The cost of the permanent sign shall not exceed [four]  
17 five hundred dollars; and

18 (d) Temporary banners of a seasonal nature or promoting a  
19 specific event shall not be constructed to be permanent outdoor  
20 signs and may be provided to retailers. The total cost of  
21 temporary outdoor banners provided to a retailer in use at any  
22 one time shall not exceed five hundred dollars per brand;

23 [(17)] (16) A wholesaler may, but shall not be required  
24 to, exchange for an equal quantity of identical product or allow  
25 credit against outstanding indebtedness for intoxicating liquor  
26 with alcohol content of less than five percent by weight or  
27 nonintoxicating beer that was delivered in a damaged condition or  
28 damaged while in the possession of the retailer;

1           [(18)] (17) To assure and control product quality,  
2   wholesalers at the time of a regular delivery may, but shall not  
3   be required to, withdraw, with the permission of the retailer, a  
4   quantity of intoxicating liquor with alcohol content of less than  
5   five percent by weight or nonintoxicating beer in its undamaged  
6   original carton from the retailer's stock, if the wholesaler  
7   replaces the product with an equal quantity of identical product;

8           [(19)] (18) In addition to withdrawals authorized pursuant  
9   to subdivision [(18)] (17) of this subsection, to assure and  
10  control product quality, wholesalers at the time of a regular  
11  delivery may, but shall not be required to, withdraw, with the  
12  permission of the retailer, a quantity of intoxicating liquor  
13  with alcohol content of less than five percent by weight and  
14  nonintoxicating beer in its undamaged original carton from the  
15  retailer's stock and give the retailer credit against outstanding  
16  indebtedness for the product if:

17           (a) The product is withdrawn at least thirty days after  
18   initial delivery and within twenty-one days of the date  
19   considered by the manufacturer of the product to be the date the  
20   product becomes inappropriate for sale to a consumer; and

21           (b) The quantity of product withdrawn does not exceed the  
22   equivalent of twenty-five cases of twenty-four twelve-ounce  
23   containers; and

24           (c) To assure and control product quality, a wholesaler  
25   may, but not be required to, give a retailer credit for  
26   intoxicating liquor with an alcohol content of less than five  
27   percent by weight or nonintoxicating beer, in a container with a  
28   capacity of four gallons or more, delivered but not used, if the

1 wholesaler removes the product within seven days of the initial  
2 delivery; and

3 [(20)] (19) Nothing in this section authorizes consignment  
4 sales.

5 5. (1) A distiller, wholesaler, winemaker, or brewer that  
6 is also in business as a bona fide producer or vendor of  
7 nonalcoholic beverages shall not condition the sale of its  
8 alcoholic beverages on the sale of its nonalcoholic beverages nor  
9 combine the sale of its alcoholic beverages with the sale of its  
10 nonalcoholic beverages, except as provided in subdivision (8) of  
11 subsection 4 of this section. The distiller, wholesaler,  
12 winemaker, or brewer that is also in business as a bona fide  
13 producer or vendor of nonalcoholic beverages may sell, credit,  
14 market, and promote nonalcoholic beverages in the same manner in  
15 which the nonalcoholic products are sold, credited, marketed, or  
16 promoted by a manufacturer or wholesaler not licensed by the  
17 supervisor of alcohol and tobacco control;

18 (2) Any fixtures, equipment, or furnishings provided by any  
19 distiller, wholesaler, winemaker, or brewer in furtherance of the  
20 sale of nonalcoholic products shall not be used by the retail  
21 licensee to store, service, display, advertise, furnish, or sell,  
22 or aid in the sale of alcoholic products regulated by the  
23 supervisor of alcohol and tobacco control. All such fixtures,  
24 equipment, or furnishings shall be identified by the retail  
25 licensee as being furnished by a licensed distiller, wholesaler,  
26 winemaker, or brewer.

27 6. [All contracts entered into between] Distillers,  
28 wholesalers, brewers and winemakers, or their officers or

1 directors[, in any way concerning any of their products,  
2 obligating such retail dealers to buy or sell only the products  
3 of any] shall not require, by agreement or otherwise, that any  
4 retailer purchase any intoxicating liquor from such distillers,  
5 wholesalers, brewers or winemakers [or obligating such retail  
6 dealers to buy or sell the major part of such products required  
7 by such retail vendors from any such distiller, brewer or  
8 winemaker shall be void and unenforceable in any court in this  
9 state] to the exclusion in whole or in part of intoxicating  
10 liquor sold or offered for sale by other distillers, wholesalers,  
11 brewers, or winemakers.

12 [6.] 7. Notwithstanding any other provisions of this  
13 chapter to the contrary, a distiller or wholesaler may install  
14 dispensing accessories at the retail business establishment,  
15 which shall include for the purposes of distilled spirits,  
16 equipment to properly preserve and serve premixed distilled  
17 spirit beverages only. To facilitate delivery to the retailer,  
18 the distiller or wholesaler may lend, give, rent or sell and the  
19 distiller or wholesaler may install or repair any of the  
20 following items or render to retail licensees any of the  
21 following services: coils and coil cleaning, draft arms, faucets  
22 and tap markers, taps, tap standards, tapping heads, hoses,  
23 valves and other minor tapping equipment components, and damage  
24 caused by any delivery excluding normal wear and tear. A  
25 complete record of equipment furnished and installed and repairs  
26 or service made or rendered shall be kept by the distiller or  
27 wholesaler furnishing, making or rendering the same for a period  
28 of not less than one year.



1           [7. Notwithstanding any other provision of this chapter or  
2 chapter 312, RSMo, to the contrary,] 8. Distillers,  
3 wholesalers, winemakers, brewers or their employees or officers  
4 shall be permitted to make contributions of money or merchandise  
5 to a licensed retail liquor dealer that is a charitable,  
6 fraternal, civic, service, veterans', or religious organization  
7 as defined in section 313.005, RSMo, or an educational  
8 institution if such contributions are unrelated to such  
9 organization's retail operations.

10           [8.] 9. Distillers, brewers, wholesalers, and winemakers  
11 may make payments for advertisements in programs or brochures of  
12 tax-exempt organizations licensed under section 311.090 if the  
13 total payments made for all such advertisements are the same as  
14 those paid by other vendors.

15           10. Notwithstanding any other provision of this chapter or  
16 chapter 312, RSMo, to the contrary, a brewer or manufacturer, its  
17 employees, officers or agents may have a financial interest in  
18 the retail business for sale of intoxicating liquors and  
19 nonintoxicating beer at entertainment facilities owned, in whole  
20 or in part, by the brewer or manufacturer, its subsidiaries or  
21 affiliates including, but not limited to, arenas and stadiums  
22 used primarily for concerts, shows and sporting events of all  
23 kinds.

24           [9.] 11. Notwithstanding any other provision of this  
25 chapter or chapter 312, RSMo, to the contrary, for the purpose of  
26 the promotion of tourism, a wine manufacturer, its employees,  
27 officers or agents located within this state may apply for and  
28 the supervisor of liquor control may issue a license to sell

1     intoxicating liquor, as defined in this chapter, by the drink at  
2     retail for consumption on the premises where sold, if the  
3     premises so licensed is in close proximity to the winery. Such  
4     premises shall be closed during the hours specified under section  
5     311.290 and may remain open between the hours of 9:00 a.m. and  
6     midnight on Sunday.

7           [10.] 12. Notwithstanding any other provision of this  
8     chapter or chapter 312, RSMo, to the contrary, for the purpose of  
9     the promotion of tourism, a person may apply for and the  
10    supervisor of liquor control may issue a license to sell  
11    intoxicating liquor by the drink at retail for consumption on the  
12    premises where sold, but seventy-five percent or more of the  
13    intoxicating liquor sold by such licensed person shall be  
14    Missouri-produced wines received from manufacturers licensed  
15    under section 311.190. Such premises may remain open between the  
16    hours of 6:00 a.m. and midnight, Monday through Saturday, and  
17    between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

18           311.071. 1. Distillers, wholesalers, winemakers, brewers,  
19    or their employees or officers may make contributions of money  
20    for special events where alcohol is sold at retail to a not-for-  
21    profit organization that:

22           (1) Does not hold a liquor license;

23           (2) Less than forty percent of the members and officers are  
24    liquor licensees;

25           (3) Is registered with the secretary of state as a not-for-  
26    profit organization; and

27           (4) Of which no part of the net earnings or contributions  
28    inures to the benefit of any private shareholder or any retail

1 licensee member of such organization.

2 The contributions from distillers, wholesalers, winemakers,  
3 brewers, or their employees or officers shall be used to pay  
4 special event infrastructure expenses unrelated to any retail  
5 alcohol sales, which include, but are not limited to: security,  
6 sanitation, fencing, entertainment, and advertising.

7 2. Any not-for-profit organization that receives  
8 contributions under this section shall allow the division of  
9 alcohol and tobacco control full access to the organization's  
10 records for audit purposes.

11 311.174. 1. Any person possessing the qualifications and  
12 meeting the requirements of this chapter who is licensed to sell  
13 intoxicating liquor by the drink at retail for consumption on the  
14 premises in a city with a population of at least four thousand  
15 inhabitants which borders the Missouri River and also borders a  
16 city with a population of over three hundred thousand inhabitants  
17 located in at least three counties, in a city with a population  
18 of over three hundred thousand which is located in whole or in  
19 part within a first class county having a charter form of  
20 government or in a first class county having a charter form of  
21 government which contains all or part of a city with a population  
22 of over three hundred thousand inhabitants, may apply to the  
23 supervisor of liquor control for a special permit to remain open  
24 on each day of the week until 3:00 a.m. of the morning of the  
25 following day; except that, an entity exempt from federal income  
26 taxes under Section 501(c)(7) of the Internal Revenue Code of  
27 1986, as amended, and located in a building designated as a  
28 National Historic Landmark by the United States Department of the

1 Interior may apply for a license to remain open until 6:00 a.m.  
2 of the following day. The time of opening on Sunday may be 11:00  
3 a.m. The provisions of this section and not those of section  
4 311.097 regarding the time of closing shall apply to the sale of  
5 intoxicating liquor by the drink at retail for consumption on the  
6 premises on Sunday. When the premises of such an applicant is  
7 located in a city as defined in this section, then the premises  
8 must be located in an area which has been designated as a  
9 convention trade area by the governing body of the city. When  
10 the premises of such an applicant is located in a county as  
11 defined in this section, then the premises must be located in an  
12 area which has been designated as a convention trade area by the  
13 governing body of the county.

14 2. An applicant granted a special permit under this section  
15 shall, in addition to all other fees required by this chapter pay  
16 an additional fee of three hundred dollars a year payable at the  
17 time and in the same manner as its other license fees.

18 3. The provisions of this section allowing for extended  
19 hours of business shall not apply in any incorporated area wholly  
20 located in any first class county having a charter form of  
21 government which contains all or part of a city with a population  
22 of over three hundred thousand inhabitants until the governing  
23 body of such incorporated area shall have by ordinance or order  
24 adopted the extended hours authorized by this section.

25 311.178. 1. Any person possessing the qualifications and  
26 meeting the requirements of this chapter who is licensed to sell  
27 intoxicating liquor by the drink at retail for consumption on the  
28 premises in a county of the first classification having a charter

1 form of government and not containing all or part of a city with  
2 a population of over three hundred thousand, may apply to the  
3 supervisor of liquor control for a special permit to remain open  
4 on each day of the week until 3:00 a.m. of the morning of the  
5 following day. The time of opening on Sunday may be 11:00 a.m.  
6 The provisions of this section and not those of section 311.097  
7 regarding the time of closing shall apply to the sale of  
8 intoxicating liquor by the drink at retail for consumption on the  
9 premises on Sunday. The premises of such an applicant shall be  
10 located in an area which has been designated as a convention  
11 trade area by the governing body of the county and the applicant  
12 shall meet at least one of the following conditions:

13 (1) The business establishment's annual gross sales for the  
14 year immediately preceding the application for extended hours  
15 equals one hundred fifty thousand dollars or more; or

16 (2) The business is a resort. For purposes of this  
17 subsection, a "resort" is defined as any establishment having at  
18 least sixty rooms for the overnight accommodation of transient  
19 guests and having a restaurant located on the premises.

20 2. Any person possessing the qualifications and meeting the  
21 requirements of this chapter who is licensed to sell intoxicating  
22 liquor by the drink at retail for consumption on the premises in  
23 a county of the third classification without a township form of  
24 government having a population of more than twenty-three thousand  
25 five hundred but less than twenty-three thousand six hundred  
26 inhabitants, a county of the third classification without a  
27 township form of government having a population of more than  
28 nineteen thousand three hundred but less than nineteen thousand

1 four hundred inhabitants or a county of the first classification  
2 without a charter form of government with a population of at  
3 least thirty-seven thousand inhabitants but not more than  
4 thirty-seven thousand one hundred inhabitants, may apply to the  
5 supervisor of liquor control for a special permit to remain open  
6 on each day of the week until 3:00 a.m. of the morning of the  
7 following day. The time of opening on Sunday may be 11:00 a.m.  
8 The provisions of this section and not those of section 311.097  
9 regarding the time of closing shall apply to the sale of  
10 intoxicating liquor by the drink at retail for consumption on the  
11 premises on Sunday. The applicant shall meet all of the  
12 following conditions:

13 (1) The business establishment's annual gross sales for the  
14 year immediately preceding the application for extended hours  
15 equals one hundred thousand dollars or more;

16 (2) The business is a resort. For purposes of this  
17 subsection, a "resort" is defined as any establishment having at  
18 least seventy-five rooms for the overnight accommodation of  
19 transient guests, having at least three thousand square feet of  
20 meeting space and having a restaurant located on the premises;  
21 and

22 (3) The applicant shall develop, and if granted a special  
23 permit shall implement, a plan ensuring that between the hours of  
24 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be  
25 made except to guests with overnight accommodations at the  
26 licensee's resort. The plan shall be subject to approval by the  
27 supervisor of liquor control and shall provide a practical method  
28 for the division of liquor control and other law enforcement

1 agencies to enforce the provisions of subsection 3 of this  
2 section.

3 3. While open between the hours of 1:30 a.m. and 3:00 a.m.  
4 under a special permit issued pursuant to subsection 2 of this  
5 section, it shall be unlawful for a licensee or any employee of a  
6 licensee to sell intoxicating liquor to or permit the consumption  
7 of intoxicating liquor by any person except a guest with  
8 overnight accommodations at the licensee's resort.

9 4. An applicant granted a special permit pursuant to this  
10 section shall, in addition to all other fees required by this  
11 chapter, pay an additional fee of three hundred dollars a year  
12 payable at the time and in the same manner as its other license  
13 fees.

14 5. The provisions of this section allowing for extended  
15 hours of business shall not apply in any incorporated area wholly  
16 located in any county of the first classification having a  
17 charter form of government which does not contain all or part of  
18 a city with a population of over three hundred thousand  
19 inhabitants until the governing body of such incorporated area  
20 shall have by ordinance or order adopted the extended hours  
21 authorized by this section.

22 [6. The enactment of subsections 2, 3, and 4 of this  
23 section shall terminate January 1, 2007.]

24 311.180. 1. No person, partnership, association of persons  
25 or corporation shall manufacture, distill, blend, sell or offer  
26 for sale intoxicating liquor within this state at wholesale or  
27 retail, or solicit orders for the sale of intoxicating liquor  
28 within this state without procuring a license from the supervisor

1 of [liquor] alcohol and tobacco control authorizing them so to  
2 do. For such license there shall be paid to and collected by the  
3 director of revenue annual charges as follows:

4 (1) For the privilege of manufacturing and brewing in this  
5 state malt liquor containing not in excess of five percent of  
6 alcohol by weight and the privilege of selling to duly licensed  
7 wholesalers and soliciting orders for the sale of malt liquors  
8 containing not in excess of five percent of alcohol by weight,  
9 to, by or through a duly licensed wholesaler within this state,  
10 the sum of two hundred fifty dollars;

11 (2) For the privilege of manufacturing in this state  
12 intoxicating liquor containing not in excess of twenty-two  
13 percent of alcohol by weight and the privilege of selling to duly  
14 licensed wholesalers and soliciting orders for the sale of  
15 intoxicating liquor containing not in excess of twenty-two  
16 percent of alcohol by weight, to, by or through a duly licensed  
17 wholesaler within this state, the sum of two hundred dollars;

18 (3) For the privilege of manufacturing, distilling or  
19 blending intoxicating liquor of all kinds within this state and  
20 the privilege of selling to duly licensed wholesalers and  
21 soliciting orders for the sale of intoxicating liquor of all  
22 kinds, to, by or through a duly licensed wholesaler within this  
23 state, the sum of four hundred and fifty dollars;

24 (4) For the privilege of selling to duly licensed  
25 wholesalers and soliciting orders for the sale of malt liquor  
26 containing not in excess of five percent of alcohol by weight,  
27 to, by or through a duly licensed wholesaler within this state,  
28 the sum of fifty dollars;



1           (5) For the privilege of selling to duly licensed  
2 wholesalers and soliciting orders for the sale of intoxicating  
3 liquor containing not in excess of twenty-two percent of alcohol  
4 by weight, to, by or through a duly licensed wholesaler within  
5 this state, the sum of one hundred dollars;

6           (6) For the privilege of selling to duly licensed  
7 wholesalers and soliciting orders for the sale of intoxicating  
8 liquor of all kinds, to, by or through a duly licensed wholesaler  
9 within this state, the sum of two hundred and fifty dollars;

10          (7) For the privilege of selling intoxicating liquor  
11 containing not in excess of five percent of alcohol by weight by  
12 a wholesaler to a person duly licensed to sell such malt liquor  
13 at retail and the privilege of selling to duly licensed  
14 wholesalers and soliciting orders for the sale of malt liquor  
15 containing not in excess of five percent of alcohol by weight,  
16 to, by or through a duly licensed wholesaler within this state,  
17 the sum of one hundred dollars;

18          (8) For the privilege of selling intoxicating liquor  
19 containing not in excess of twenty-two percent of alcohol by  
20 weight by a wholesaler to a person duly licensed to sell such  
21 intoxicating liquor at retail and the privilege of selling to  
22 duly licensed wholesalers and soliciting orders for the sale of  
23 intoxicating liquor containing not in excess of twenty-two  
24 percent of alcohol by weight, to, by or through a duly licensed  
25 wholesaler within this state, the sum of two hundred dollars;

26          (9) For the privilege of selling intoxicating liquor of all  
27 kinds by a wholesaler to a person duly licensed to sell such  
28 intoxicating liquor at retail and the privilege of selling to

1 duly licensed wholesalers and soliciting orders for the sale of  
2 intoxicating liquor of all kinds, to, by or through a duly  
3 licensed wholesaler within this state, the sum of five hundred  
4 dollars, except that a license authorizing the holder to sell to  
5 duly licensed wholesalers and to solicit orders for sale of  
6 intoxicating liquor, to, by or through a duly licensed  
7 wholesaler, shall not entitle the holder thereof to sell within  
8 the state of Missouri, direct to retailers;

9 (10) For the privilege of selling to duly licensed  
10 wholesalers and soliciting orders for the sale of vintage wine as  
11 defined in section 311.191, to, by, or through a duly licensed  
12 wholesaler within this state, the sum of five hundred dollars.

13 2. Solicitors, manufacturers and blenders of intoxicating  
14 liquor shall not be required to take out a merchant's license for  
15 the sale of their products at the place of manufacture or in  
16 quantities of not less than one gallon.

17 3. The provisions of this section relating to the privilege  
18 of selling malt liquor are subject to and limited by the  
19 provisions of sections 311.181 and 311.182.

20 4. The licenses prescribed in this section for the  
21 privilege of selling intoxicating liquor by a wholesaler to a  
22 person duly licensed to sell such intoxicating liquor at retail  
23 shall allow such wholesaler to sell intoxicating liquor to  
24 licensees licensed by the gaming commission to sell beer or  
25 alcoholic beverages pursuant to section 313.840, RSMo.

26 311.185. 1. Notwithstanding any rule, law, or regulation  
27 to the contrary, any person currently licensed in this state or  
28 any other state as a wine manufacturer may apply for and the

1 supervisor of alcohol and tobacco control may issue a wine direct  
2 shipper license, as provided in this section, which allows a wine  
3 manufacturer to ship up to two cases of wine per month directly  
4 to a resident of this state who is at least twenty-one years of  
5 age for such resident's personal use and not for resale. Before  
6 sending any shipment to a resident of this state, the wine  
7 manufacturer shall first obtain a wine direct shipper license as  
8 follows:

9 (1) File an application with the division of alcohol and  
10 tobacco control; and

11 (2) Provide to the division of alcohol and tobacco control  
12 a true copy of its current alcoholic beverage license issued in  
13 this state or any other state, as well as a copy of the winery  
14 license from the Alcohol and Tobacco Tax and Trade Bureau.

15 2. All wine direct shipper licensees shall:

16 (1) Not ship more than two cases of wine per month to any  
17 person for his or her personal use and not for resale;

18 (2) Not use any carrier for shipping of wine that is not  
19 licensed under this section;

20 (3) Only ship wine that is properly registered with the  
21 Alcohol and Tobacco Tax and Trade Bureau;

22 (4) Only ship wine manufactured on the winery premises;

23 (5) Ensure that all containers of wine delivered directly  
24 to a resident of this state are conspicuously labeled with the  
25 words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER  
26 REQUIRED FOR DELIVERY" or are conspicuously labeled with wording  
27 preapproved by the division of alcohol and tobacco control;

28 (6) If the winery is located outside of this state, by

1 January thirty-first, make a report under oath to the supervisor  
2 of alcohol and tobacco control setting out the total amount of  
3 wine shipped into the state the preceding year;

4 (7) If the winery is located outside of this state, pay the  
5 division of alcohol and tobacco control all excise taxes due on  
6 the amount to be calculated as if the sale were in this state at  
7 the location where the delivery is made;

8 (8) If the winery is located within this state, provide the  
9 division of alcohol and tobacco control any additional  
10 information deemed necessary beyond that already required for  
11 retail sales from the winery tasting room to ensure compliance  
12 with this section;

13 (9) Permit the division of alcohol and tobacco control to  
14 perform an audit of the wine direct shipper licensees' records  
15 upon request; and

16 (10) Be deemed to have consented to the jurisdiction of the  
17 division of alcohol and tobacco control or any other state agency  
18 and the Missouri courts concerning enforcement of this section  
19 and any related laws, rules, or regulations.

20 3. The wine direct shipper licensee may annually renew its  
21 license with the division of alcohol and tobacco control by  
22 providing the division of alcohol and tobacco control all  
23 required items provided in subsection 1 of this section.

24 4. Notwithstanding any law, rule, or regulation to the  
25 contrary, any carrier may apply for and the supervisor of alcohol  
26 and tobacco control may issue an alcohol carrier license, as  
27 provided in this section, which allows the carrier to transport  
28 and deliver shipments of wine directly to a resident of this

1 state who is at least twenty-one years of age or older. Before  
2 transporting any shipment of wine to a resident of this state,  
3 the carrier shall first obtain an alcohol carrier license by  
4 filing an application with the division of alcohol and tobacco  
5 control.

6 5. All alcohol carrier licensees shall:

7 (1) Not deliver to any person under twenty-one years of  
8 age, or to any intoxicated person, or any person appearing to be  
9 in a state of intoxication;

10 (2) Require valid proof of identity and age;

11 (3) Obtain the signature of an adult as a condition of  
12 delivery; and

13 (4) Keep records of wine shipped which include the license  
14 number and name of the winery or retailer, quantity of wine  
15 shipped, recipient's name and address, and an electronic or paper  
16 form of signature from the recipient of the wine.

17 6. The division of alcohol and tobacco control may  
18 promulgate rules to effectuate the provisions of this section.  
19 Any rule or portion of a rule, as that term is defined in section  
20 536.010, RSMo, that is created under the authority delegated in  
21 this section shall become effective only if it complies with and  
22 is subject to all of the provisions of chapter 536, RSMo, and, if  
23 applicable, section 536.028, RSMo. This section and chapter 536,  
24 RSMo, are nonseverable and if any of the powers vested with the  
25 general assembly pursuant to chapter 536, RSMo, to review, to  
26 delay the effective date or to disapprove and annul a rule are  
27 subsequently held unconstitutional, then the grant of rulemaking  
28 authority and any rule proposed or adopted after August 28, 2007,

1 shall be invalid and void.

2       311.190. 1. For the privilege of manufacturing wine or  
3 brandy, which manufacturing shall be in accordance with all  
4 provisions of federal law applicable thereto except as may  
5 otherwise be specified in this section, in quantities not to  
6 exceed five hundred thousand gallons, not in excess of eighteen  
7 percent of alcohol by weight for wine, or not in excess of  
8 thirty-four percent of alcohol by weight for brandy, from grapes,  
9 berries, other fruits, fruit products, honey, and vegetables  
10 produced or grown in the state of Missouri, exclusive of sugar,  
11 water and spirits, there shall be paid to and collected by the  
12 director of revenue, in lieu of the charges provided in section  
13 311.180, a license fee of five dollars for each five hundred  
14 gallons or fraction thereof of wine or brandy produced up to a  
15 maximum license fee of three hundred dollars.

16       2. Notwithstanding the provisions of subsection 1 of this  
17 section, a manufacturer licensed under this section may use in  
18 any calendar year such wine- and brandy-making material produced  
19 or grown outside the state of Missouri in a quantity not  
20 exceeding fifteen percent of the manufacturer's wine entered into  
21 fermentation in the prior calendar year.

22       3. In any year when a natural disaster causes substantial  
23 loss to the Missouri crop of grapes, berries, other fruits, fruit  
24 products, honey or vegetables from which wines are made, the  
25 director of the department of agriculture shall determine the  
26 percent of loss and allow a certain additional percent, based on  
27 the prior calendar year's production of such products, to be  
28 purchased outside the state of Missouri to be used and offered

1 for sale by Missouri wineries.

2 4. A manufacturer licensed under this section may purchase  
3 and sell bulk or packaged wines or brandies received from other  
4 manufacturers licensed under this section and may also purchase  
5 in bulk, bottle and sell to duly licensed wineries, wholesalers  
6 and retail dealers on any day except Sunday, and a manufacturer  
7 licensed under this section may offer samples of wine, may sell  
8 wine and brandy in its original package directly to consumers at  
9 the winery, and may open wine so purchased by customers so that  
10 it may be consumed on the winery premises on Monday through  
11 Saturday between 6:00 a.m. and midnight and on Sunday between  
12 [11:00 a.m.] 9:00 a.m. and 10:00 p.m.

13 311.240. 1. On approval of the application and payment of  
14 the license tax provided in this chapter, the supervisor of  
15 liquor control shall grant the applicant a license to conduct  
16 business in the state for a term to expire with the thirtieth day  
17 of June next succeeding the date of such license. A separate  
18 license shall be required for each place of business. Of the  
19 license tax to be paid for any such license, the applicant shall  
20 pay as many twelfths as there are months (part of a month counted  
21 as a month) remaining from the date of the license to the next  
22 succeeding July first.

23 2. No such license shall be effective, and no right granted  
24 thereby shall be exercised by the licensee, unless and until the  
25 licensee shall have obtained and securely affixed to the license  
26 in the space provided therefor an original stamp or other form of  
27 receipt issued by the duly authorized representative of the  
28 federal government, evidencing the payment by the licensee to the

1 federal government of whatever excise or occupational tax is by  
2 any law of the United States then in effect required to be paid  
3 by a dealer engaged in the occupation designated in said license.  
4 Within ten days from the issuance of said federal stamp or  
5 receipt, the licensee shall file with the supervisor of liquor  
6 control a photostat copy thereof, or such duplicate or indented  
7 and numbered stub therefrom as the federal government may have  
8 issued to the taxpayer with the original.

9 3. Every license issued under the provisions of this  
10 chapter shall particularly describe the premises at which  
11 intoxicating liquor may be sold thereunder, and such license  
12 shall not be deemed to authorize or permit the sale of  
13 intoxicating liquor at any place other than that described  
14 therein.

15 4. Applications for renewal of licenses must be filed on or  
16 before the first day of May of each calendar year.

17 5. In case of failure to submit the completed renewal  
18 application required under subsection 4 of this section on or  
19 before the first day of May, there shall be added to the amount  
20 of the renewal fee a late charge of one hundred dollars from the  
21 second day of May to the last day of May; a late charge of two  
22 hundred dollars if the renewal application is submitted on the  
23 first day of June to the last day of June; or a late charge of  
24 three hundred dollars if the renewal application is submitted  
25 after the last day of June.

26 311.275. 1. For purposes of tax revenue control, beginning  
27 January 1, 1980, no holder of a license to solicit orders for the  
28 sale of intoxicating liquor, as defined in this chapter, within



1 this state, other than a wholesale-solicitor, shall solicit,  
2 accept, or fill any order for any intoxicating liquor from a  
3 holder of a wholesaler's license issued under this chapter,  
4 unless the holder of such solicitor's license has registered with  
5 the division of [liquor] alcohol and tobacco control as the  
6 primary American source of supply for the brand of intoxicating  
7 liquor sold or sought to be sold. The supervisor of [liquor]  
8 alcohol and tobacco control shall provide forms for annual  
9 registration as the primary American source of supply, and shall  
10 prescribe the procedures for such registration.

11 2. Beginning January 1, 1980, no holder of a wholesaler's  
12 license issued under this chapter shall order, purchase or  
13 receive any intoxicating liquor from any solicitor, other than a  
14 wholesale-solicitor, unless the solicitor has registered with the  
15 division of [liquor] alcohol and tobacco control as the primary  
16 American source of supply for the brand of intoxicating liquor  
17 ordered, purchased or received.

18 3. The term "primary American source of supply" as used  
19 herein shall mean the distiller, producer, the owner of the  
20 commodity at the time it became a marketable product, the  
21 bottler, or the exclusive agent of any such distiller, producer,  
22 bottler or owner, the basic requirement being that the  
23 nonresident seller be the first source closest to the  
24 manufacturer in the channel of commerce from whom the product can  
25 be secured by American wholesalers.

26 4. Any vintage wine solicitor licensed under section  
27 311.180 may register as the primary American source of supply for  
28 vintage wine with the division of alcohol and tobacco control,

1 provided that another solicitor is not registered as the primary  
2 American source of supply for the vintage wine and the vintage  
3 wine has been approved for sale by the federal Alcohol and  
4 Tobacco Tax and Trade Bureau.

5 311.297. 1. Any winery, distiller, manufacturer,  
6 wholesaler, or brewer or designated employee may provide and pour  
7 distilled spirits, wine, or malt beverage samples off a licensed  
8 retail premises for tasting purposes provided no sales  
9 transactions take place. For purposes of this section, a sales  
10 transaction shall mean an actual and immediate exchange of  
11 monetary consideration for the immediate delivery of goods at the  
12 tasting site.

13 2. Notwithstanding any other provisions of this chapter to  
14 the contrary, any winery, distiller, manufacturer, wholesaler, or  
15 brewer or designated employee may provide, furnish, or pour  
16 distilled spirits, wine, or malt beverage samples for customer  
17 tasting purposes on any temporary licensed retail premises as  
18 described in section 311.218, 311.482, 311.485, 311.486, or  
19 311.487, or on any tax exempt organization's licensed premises as  
20 described in section 311.090.

21 311.420. 1. No person, except carriers regulated by the  
22 motor carrier and railroad safety division of the department of  
23 economic development under chapters 387, 389 and 390, RSMo, shall  
24 transport into, within, or through the state of Missouri any  
25 intoxicating liquors in quantities larger than five gallons  
26 unless such person holds a valid license or permit from the  
27 supervisor of [liquor] alcohol and tobacco control of the state  
28 of Missouri to do so. For such license, there shall be paid to

1 the director of revenue the sum of ten dollars per annum.  
2 Application for such license shall be made to the supervisor of  
3 [liquor] alcohol and tobacco control of the state of Missouri and  
4 each applicant shall submit with his application a bond in the  
5 penal sum of one thousand dollars with sufficient surety to be  
6 approved by the supervisor of [liquor] alcohol and tobacco  
7 control, conditioned that he will not violate any provisions of  
8 the liquor control laws of this state or any regulation  
9 promulgated under such liquor control laws, and any violation of  
10 such condition shall work a forfeiture of such bond to the state  
11 of Missouri. The license year shall end on June thirtieth, and  
12 the applicant shall pay as many twelfths as there are months,  
13 with each part of a month being counted as a month, remaining  
14 from the date of the license to the next succeeding July first.  
15 The supervisor of [liquor] alcohol and tobacco control may issue  
16 single transaction licenses, for which there shall be paid to the  
17 director of revenue the sum of five dollars, and, if the value of  
18 the liquor to be transported exceeds one hundred dollars, the  
19 permit shall not be issued until the bond provided for above in  
20 this section is given to the state. No such transporter's  
21 license shall be required of any person licensed by the  
22 supervisor of [liquor] alcohol and tobacco control whose licensed  
23 premises are located in the state of Missouri, nor shall it be  
24 necessary to procure a license to transport liquor purchased from  
25 a retail liquor dealer duly licensed by the supervisor of  
26 [liquor] alcohol and tobacco control of the state of Missouri.  
27 No license or permit shall be required to transport industrial  
28 alcohol.

1           2. The qualifications prescribed for the issuance of other  
2 licenses by the provisions of the liquor control law shall not  
3 apply to licenses issued under this section, but no license shall  
4 be issued to any person who is not of good moral character or who  
5 has been convicted since the ratification of the twenty-first  
6 amendment to the Constitution of the United States of the  
7 violation of any law applicable to the manufacture or sale of  
8 intoxicating liquor, nor to any person who has had a license from  
9 the supervisor of ~~[liquor]~~ alcohol and tobacco control revoked.  
10 If applicant is a corporation, the managing officer thereof must  
11 possess the qualifications prescribed in this section.

12           3. Carriers licensed under this section or carriers exempt  
13 from holding a permit under this section shall not deliver wine  
14 to a resident of this state without obtaining an alcohol carrier  
15 license under section 311.185.

16           311.462. 1. Notwithstanding any other provision of law,  
17 ~~[an adult resident or]~~ a holder of ~~[an]~~ a retailer alcoholic  
18 beverage license in this state or a state which affords Missouri  
19 licensees ~~[or adult residents]~~ an equal reciprocal shipping  
20 privilege may ship, for personal use and not for resale, not more  
21 than two cases of wine, each case containing not more than nine  
22 liters, per year to any adult resident of this state. Delivery  
23 of a shipment pursuant to this section shall not be deemed to  
24 constitute a sale in this state.

25           2. The shipping container of any wine sent into or out of  
26 this state under this section shall be clearly labeled to  
27 indicate that the package cannot be delivered to a person under  
28 the age of twenty-one years or to an intoxicated person.

3. No broker within this state may solicit consumers to engage in interstate reciprocal wine shipments under this section. No shipper located outside this state may advertise such interstate reciprocal wine shipments in this state.

311.685. 1. Any retail licensee selling intoxicating liquor or nonintoxicating beer under this chapter or chapter 312, RSMo, and aggrieved by official action of the supervisor affecting the licensee, may bring a civil action against any person who is the proximate cause of such official action by the supervisor, if the violation occurred on or about the premises of the retail licensee. If a judgment is entered in favor of the licensee, the court shall award the retail licensee civil damages up to an amount of five thousand dollars and shall award reasonable court costs and attorney fees.

2. No civil action shall be brought under this section  
against any employee of the supervisor of alcohol and tobacco  
control or any law enforcement officer.

✓

Chuck Purgason

Steven Tilley